

Affidavit #2 of Sarah Armstrong
Sworn February 13th, 2012

MISSING WOMEN COMMISSION OF INQUIRY

**IN THE MATTER OF C. WARD'S AMENDED NOTICE OF APPLICATION
DATED FEBRUARY 10, 2012**

AFFIDAVIT

I, Sarah Armstrong, Paralegal, of Suite 900 – 840 Howe Street, in the City of Vancouver, in the Province of British Columbia MAKE OATH AND SAY THAT:

1. I am a paralegal employed by the Department of Justice Canada (“DOJ”), in the City of Vancouver, in the Province of British Columbia. Since July 18, 2011, I have been assigned to assist the DOJ legal team in its representation of the Government of Canada at the Missing Women Commission of Inquiry (the “Commission”). As such I have personal knowledge of the matters and facts set out in this Affidavit, except where stated to be based on information and belief and where so stated I verily believe them to be true.
2. I am the paralegal responsible for the co-ordination of the RCMP’s disclosure to the Commission. In this role, I have frequent contact with members of the RCMP’s Missing Women Liaison Team (“MWLT”). Part of the MWLT’s responsibilities is to locate documents, vet and redact documents and provide those documents to the DOJ legal team for disclosure to the Commission.

3. In response to subparagraph 2(a) of the Amended Notice of Application dated February 10, 2012, (the "Notice"), I refer to my Affidavit #1 sworn February 13th, 2012, and the evidence therein for a description of the evolution of the Government of Canada's disclosure process. In further response to the specific request for members' notebooks and handwritten notes (and in addition to paragraphs 20 and 35 of my Affidavit #1) I state that:
 - a. on October 5, 2011, Ms. Tobias wrote to the Commission to provide a list of the RCMP members whose notebooks had been disclosed. Attached to this affidavit as **Exhibit "A"** is a copy of the October 5, 2011, letter; and
 - b. a separate request for certain portions of S/Sgt. Scot Filer's notebook was made by Deputy Chief Constable Jennifer Evans ("DC Evans") on October 3, 2011. On October 7, 2011, Sgt. Ron Palta of the MWLT advised DC Evans via e-mail that S/Sgt. Scot Filer had been canvassed for notes, and advised that S/Sgt. Filer does not have any relevant notes in his possession. Attached as **Exhibit "B"** to this affidavit is a copy of Sgt. Ron Palta's e-mail to DC Evans.
4. In response to subparagraph 2(b) of the Notice, un-redacted copies of correspondence between then Cpl. Connor and then Crown Counsel, Mr. Peder Gulbransen relating to the investigation of Robert William Pickton as a suspect in the missing women investigation were disclosed to the Commission on October 5, 2011. Attached as **Exhibit "C"** to this Affidavit is a copy of the October 5, 2011, letter enclosing un-redacted copies of correspondence between Sgt. Connor and then Crown Counsel, Mr. Peder Gulbransen.
5. In response to subparagraph 2(c) of the Notice, Ms. Tobias advised Commission counsel, in a letter dated February 10, 2012, that correspondence Supt. Blizzard received from then Cpl. Connor in relation to the missing women investigation was placed on the Unsolved Homicide Unit's file relating to that investigation. The Unsolved Homicide Unit's file has been disclosed to the Commission (Concordance ID RCMP-063-000001). Attached as **Exhibit "D"** to this Affidavit is a copy of the February 10, 2012, letter.
6. In response to subparagraph 2(e) of the Notice, Ms. Tobias advised Commission counsel, in a letter dated December 5, 2011, that Cst. Sylvestri attended the Pickton property to investigate 911 hang up calls on April 1, 1999. Ms. Tobias further advised that the RCMP has confirmed that no notes exist for Cst. Sylvestri in respect of this attendance at the Pickton property. Attached to this affidavit as **Exhibit "E"** is a copy of the December 5, 2011, letter.



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Telephone: (604) 666-0110
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October 5, 2011

By Email

Missing Women Commission of Inquiry
1402 - 808 Nelson Street
Vancouver, British Columbia V6Z 2H2

Dear Mr. Boddie:

Re: Missing Women Commission of Inquiry
Our File: 2-273772

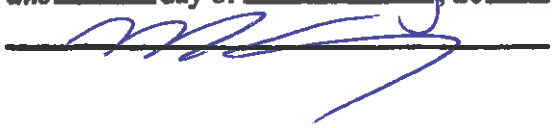
We wish to provide the following comments with respect to issues raised by Mr. Ward in his letter to the Commission dated September 23, 2011.

In his letter, Mr. Ward raised concerns with respect to the disclosure of 7 classes of documents. Five of those classes relate to documents that are, or are in part, in the possession of the Government of Canada. Our position with respect to those documents is as follows:

1. VPD and RCMP members' notebooks

We have provided ongoing disclosure of RCMP members' notebooks as part of the witness packages disclosed in advance of DC Evans' interviews. Specifically, the following RCMP witness packages have been disclosed:

Name	Date disclosed
NASH, Russ	May 27, 2011
POLLOCK, Darryll	May 27, 2011
CATER, John	May 27, 2011
CONNOR, Mike	May 27, 2011
MCCARTNEY, David	June 13, 2011
HYLAND, Jennifer	June 13, 2011
DAVIDSON, Keith	June 30, 2011
HALL, Ric	June 30, 2011
MOULTON, Earl	June 30, 2011
ZALYS, Brad	July 4, 2011
SHERSTONE, Kim	July 19, 2011
HENDERSON, Doug	July 19, 2011
LUCAS, Jim	August 4, 2011
STRACHAN, Dave	August 4, 2011
McCARL, Paul	August 4, 2011
PORT, Sylvia	August 4, 2011
SMID, Yme	August 4, 2011

This is Exhibit "A" referred to in the affidavit of Sarah Armstrong sworn before me at Vancouver this 13th day of February, 2012


BASS, Gary	August 17, 2011
BROWN, Jim	August 17, 2011
BASS, Gary	August 18, 2011
HENLEY, Frank	August 19, 2011
YURKIW, Ruth	August 19, 2011
KINGSBURY, Marg	August 19, 2011
ADAM, Don	August 25, 2011
CLARY, Wayne	August 19, 2011
	August 25, 2011

We understand that the Commission has not yet uploaded these witness packages to the Concordance database, and expects to do so shortly.

2. VPD, RCMP and 911 radio communications

The documentary record indicates that three 911 calls were made from the Pickton property during the period covered by the Terms of Reference. Of these calls, audio recordings and transcripts exist for only one: a call made on October 22, 2001. The audio file and transcript will be proofed, vetted, and disclosed to the Commission shortly.

3. Other relevant audio or video recordings and transcripts

Canada is in possession of audio/video recordings of police interviews of Robert Pickton, Lynn Ellingsen, Leah Best, Lorna Humphries and Ross Caldwell, each of which was conducted during the period defined in the Inquiry's Terms of Reference. These transcripts were disclosed to the Commission as follows:

	Interview date(s)	Date disclosed
BEST, Leah	August 7, 1999	January 25, 2011
CALDWELL, Ross	August 5, 1999	February 2, 2011
	August 10, 1999	January 25, 2011
	February 11, 2002	February 2, 2011
ELLINGSEN, Lynn	August 10, 1999	January 25, 2011
	August 26, 1999	February 2, 2011
HUMPHRIES, Lorna	February 11, 2000	January 25, 2011
PICKTON, Robert	January 19, 2000	January 25, 2011

Our client is currently working on vetting the respective audio and video files, where available, for the above-noted interviews. We expect to be in a position to disclose these to the Commission by the end of October.

4. E-mail communications generated by the VPD, VPB, VPU, Government of Canada/RCMP and Criminal Justice Branch

Disclosure of relevant RCMP emails has been made. By letter dated February 24, 2011, we provided the Commission with information and enclosures regarding the RCMP's email policies, and the way in which email was used and retained by Project Evenhanded investigators in particular. We attach a copy of the February 24, 2011 letter for ease of reference.

5. All investigative records related to the disappearance and death of Cara Ellis

In our letter to the Commission dated September 6, 2011, we confirmed that the original missing persons report for Cara Ellis would not be disclosed. This is because Cara Ellis was reported missing on October 9, 2002, outside the relevant period set by the Inquiry's Terms of Reference. However, as indicated in our letter dated September 6, 2011, information about post-2002 cases may still be included in some disclosure packages. We note that information regarding Cara Ellis was included in a disclosure package under cover of letter dated August 26, 2011, specifically document ID nos. r_6376, r_6378, r_6379 and r_6380.

We trust the Commission will forward to the Participants if necessary. If you have any questions, please do not hesitate to contact us.

Yours truly,



Cheryl J. Tobias, Q.C.
Senior General Counsel

/sea

Enclosures

Harman, Malea

From: Hoffman, Judith
Sent: 2011-Oct-07 2:42 PM
To: * Van Missing Women Inquiry
Subject: FW: Scott Filer's notebooks

For DC Evans binder please.

From: Ron PALTA [REDACTED]
Sent: 2011-Oct-07 2:38 PM
To: jboddie@missingwomeninquiry.ca; Jennifer Evans
Cc: Hoffman, Judith; Armstrong, Sarah; Andrew Koczerzuk
Subject: Re: Scott Filer's notebooks

DC Evans,

Retired S/Sgt. Scot Filer has been canvassed for notes, he has advised that he does not have any relevant notes in his possession.

Thank You

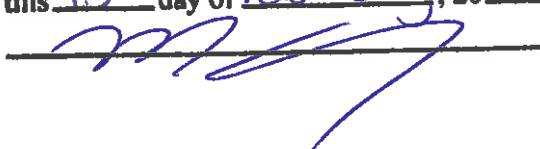
Ron

Sgt. Ron PALTA
R.C.M.P. - Liaison Team
Missing Women Commission of Enquiry
c/o 13130 76th
Surrey, B.C. V3W-2V6
(604) 598-4299 Desk
((604) [REDACTED] Cell
E-Mail: [REDACTED]

>>> "Evans, Jennifer" <[REDACTED]> 2011-10-03 06:32 >>>
Good morning Andrew & Ron:

I was wondering if I could get a copy of Corporal Scott Filer's notebook entries between February 1st 2000 and March 30th 2000 – two months worth of notes.

Jennifer Evans
Deputy Chief
Peel Regional Police
Consultant - Missing Women Commission of Inquiry
[REDACTED]

This is Exhibit "B" referred to in the affidavit of Sarah Armstrong sworn before me at Vancouver this 13th day of February, 20 12


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=====
=====



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October 5, 2011

By Hand

Missing Women Commission of Inquiry
1402 - 808 Nelson Street
Vancouver, British Columbia
V6Z 2H2

Dear Mr. Boddie:

Re: Missing Women Commission of Inquiry
Our File: 2-273772

It has come to our attention that there have been inconsistent redactions applied to documents which contain discussions between Coquitlam RCMP investigator, Mike Connor, and Crown Counsel, Peder Gulbransen, in August of 1999. These discussions are referred to in several different documents. In some documents, the contents of the discussions were redacted on the basis of solicitor-client privilege. In others, the redactions were not made. The RCMP does not wish to maintain the redactions with respect to these particular discussions. To that end, we enclose a disc containing the corrected documents to remove these redactions.

The following are a list of the documents contained on the attached disc that are to be re-imported into Concordance:

RCMP doc title/number	Concordance batch ID(s)	Concordance page ID(s)
Appendix J, Williams Report (r_99 on attached disc)	RCMP-004-00087	RCMP-004-000106
Appendix M, Williams Report (r_102 on attached disc)	RCMP-004-000400	RCMP-004-000443 RCMP-004-000444 RCMP-004-000446
r_754	RCMP-002-006530 RCMP-014-024653	RCMP-002-006572 RCMP-002-006575 RCMP-014-024950 RCMP-014-024953

This is Exhibit "C" referred to in the
affidavit of Sarah Armstrong
sworn before me at Vancouver
this 13th day of February, 2012

For reference, the following RCMP documents were previously disclosed to the Commission and contain the Gulbransen/Connor discussions, but were not redacted:

RCMP doc title/number	Concordance batch ID(s)	Concordance page ID(s)
Connors' Report 10010	RCMP-001-001054	RCMP-001-001097 RCMP-001-001098 RCMP-001-001100
Misc Blue Folder 10008	RCMP-001-001451	RCMP-001-001484 RCMP-001-001485
Tip 01 9984	RCMP-001-001546 RCMP-001-001653	RCMP-001-001563 RCMP-001-001565 RCMP-001-001654 RCMP-001-001657

Pursuant to the request made by Deputy Chief Evans on September 30, 2011, the attached disc also contains pages 1 – 46 from the Continuation Report authored by Cpl. Connor, extracted from the 'Tip 01: Daily Log 9984' file referenced above. As indicated in Ms. Tobias' email dated October 4, 2011, these pages were provided by Cpl. Connor to Peder Gulbransen on August 4, 1999. We also enclose a copy of Ms. Tobias' email to DC Evans, for your reference.

We would like to request that a copy of this letter and the documents be forwarded to DC Evans.

Once again, these documents are disclosed subject to redactions/removal of information as set out in our vetting/disclosure protocol enclosed in our letter to you dated February 17, 2011.

We advise that while these documents are responsive to the Commission's request for documentary disclosure, we do not concede that they are in fact relevant in the sense that they warrant being ultimately marked as exhibits at the Inquiry. As such, we expressly reserve Canada's right to object to the introduction of any of the enclosed documents into evidence on the basis of relevance or any other ground.

Yours truly,



Cheryl J. Tobias, Q.C.
Senior General Counsel
/sea
Enclosures



Department of Justice
Canada
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Ministère de la Justice
Canada

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February 10, 2012

By Hand

Missing Women Commission of Inquiry
1402 - 808 Nelson Street
Vancouver, BC V6Z 2H2

Attention: Art Vertlieb, Q.C. and Karey Brooks

Dear Sir/Madam:

**Re: Missing Women Commission of Inquiry
Our File: 2-273772**

In response to the Commission's February 9, 2012 letter requesting copies of documents provided to Supt. Blizzard by Cpl. Connor, we write to advise that on August 25, 2011, Supt. Blizzard was canvassed for any notes in his possession relating to the missing women investigations. Supt. Blizzard advised that although he has no specific recollection of the types or volume of correspondence received from Cpl. Connor, any correspondence Supt. Blizzard received from Cpl. Connor in relation to the missing women investigation would have been provided to S/Sgt. Henderson for further handling.

Cpl. Connor's November 4, 1998 transit slip to Supt. Blizzard respecting the missing women investigations has been disclosed to the Commission (see: RCMP-082-001757 and RCMP-063-000001). While the transit slip refers to emails between Cpl. Connor and Supt. Blizzard, Supt. Blizzard advises that he did not retain any of his emails from that period. As noted in our February 24, 2011 letter to the Commission, e-mails relevant to the missing women investigations would only have been retained on the RCMP's paper files. The RCMP's e-mail retention policy for the period covered by the terms of reference provided that most e-mails, unless they were printed out and put on a paper file, would be destroyed after 90 days.

It was the responsibility of individual RCMP members to print off relevant emails and place the hard copies on the appropriate paper file. Thus, only those e-mails that were added to RCMP files, or that were otherwise identified by RCMP members for retention, have been disclosed to the Commission. As emails between Cpl. Connor and Supt. Blizzard relating to the missing women investigations do not appear in the relevant RCMP files, those emails were almost certainly destroyed in accordance with RCMP policy. It is apparent, however, from the UHU file that has been disclosed to the Commission (RCMP-063-000001) that the documents

This is Exhibit "D" referred to in the
affidavit of Sarah Armstrong
sworn before me at Vancouver
this 13th day of February, 2012

forwarded to Supt. Blizzard along with the November 4, 1998 transit slip were placed on the UHU file (see pages 4-23).

Yours truly,

Mary French

for Cheryl J. Tobias Q.C.
Senior General Counsel
MF/mh
Enclosures



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December 5, 2011

By Hand

Missing Women Commission of Inquiry
1402 - 808 Nelson Street
Vancouver, BC V6Z 2H2

Attention: Art Vertlieb, Q.C. and Karey Brooks

Dear Sir/Madam:

Re: **Missing Women Commission of Inquiry**
Our File: 2-273772

This is Exhibit "E" referred to in the
affidavit of Sarah Armstrong
sworn before me at Vancouver
this 13th day of February, 2012

We write further to our letters dated November 1 and 2, 2011, and the recent email correspondence from the Commission on November 30, 2011, to provide an update with respect to disclosure requests made by both the Commission and Mr. Ward.

Records relating to David and Robert Pickton and their Properties

On October 21, 2011, the Commission made a request via email for disclosure of the investigative records of the Coquitlam RCMP detachment respecting all complaints about, inquiries of, and attendances on David Francis Pickton and Robert William Pickton prior to February 5, 2002, in connection with the various Coquitlam and Surrey properties. We can now provide the following updates:

- (a) In our November 1, 2011 letter, we indicated that we had located limited file material with respect to Coquitlam file 01-41631 relating to a 911 hang-up call on October 22, 2001. We are pleased to now enclose for disclosure the file materials pertaining to this call.
- (b) Further to our November 1 and 2, 2011 letters, we now enclose a list of all police files relating to the Picktons prior to 2002 which was compiled through searches on PIRS, and PRIME (see r_9111 and r_9138). We are currently looking into which of these files are still available, and which have been purged. We will provide that information to the Commission as soon as it is available. If the Commission has any specific inquiries about any of these files, please advise.
- (c) In our November 2, 2001 letter, we identified Burnaby RCMP File 1999-19700 which was opened relative to the attendance of members of that detachment at a meeting about Robert Pickton held on April 21, 1999. It has come to our attention this file has in fact already been disclosed, and can be found at Concordance ID RCMP-073-000001. We are re-disclosing the file so that it can be properly tracked within our system (doc ID 155).

- (d) Also enclosed for disclosure is a vetted PIRS report with respect to RCMP File No. 97-1034 Coquitlam (r_408). Coquitlam file 97-1034 was used to cross reference all of the exhibits examination requests from the Coquitlam file 97-10797 (disclosed on January 24, 2011).

RCMP members' notebooks

The Commission has requested the notebooks of Cst. Greig, Cst. Sylvestri and Cst. Vong. We are unable to locate any specific requests made for these specific members' notebooks, but we note that these members were not interviewed by DC Evans and therefore witness packages were not produced. The notes of Cst. Greig are currently in the process of being vetted, and we will provide them to the Commission as soon as they are available.

Csts. Sylvestri and Vong attended the Pickton property to investigate hang up calls on April 1, 1999 and October 22, 1999 respectively. We can advise that the RCMP has confirmed that no notes exist for Cst. Sylvestri. The PIRS material for this call has been disclosed to the Commission as part of the 1998-33017 Coquitlam File for Pickton which was disclosed on January 24, 2011, (see page 76 of doc id).

With respect to Cst. Vong, his notes are enclosed (doc id 127) and are contained in the disclosure material with respect to the October 22, 2001 911 hang-up call, referred to above. We are in the process of identifying other relevant post 2002 file materials relating to Project Everhanded's investigation into these attendances and will provide the Commission with an update shortly.

Records listing names of Coquitlam RCMP Members

In our November 2, 2011 letter, we indicated that we had identified one further document that lists all RCMP members employed at the Coquitlam detachment (both during and outside of the relevant timeframe). We are now pleased to enclose for disclosure a copy of that list (doc id 9196).

RO 580 Funding Email

In our November 2, 2011 letter, we indicated that the RCMP members, while reviewing an unrelated homicide file, came across a hard copy of an e-mail chain regarding a potential submission by "E" Division for what is termed "RO 580" funding. A copy of that RO 580 memo was disclosed later that same day. We can advise at this time that searches of the administrative files at "E" Division Headquarters have been conducted and no relevant documents were located. We can also advise that searches of the administrative files at the Coquitlam Detachment have been conducted and it has been concluded that any relevant documents associated with the RO 580 fund emails would have been purged in accordance with the RCMP records retention schedule. The RCMP is currently making inquiries of the Government of Canada's Treasury Board to determine whether the Treasury Board has any relevant documentation and we will provide the Commission with an update as soon as possible.

Records of duty attendance for RCMP Members

Item 6 on page 10 of the disclosure chart indicates that the RCMP is preparing a calendar of days on duty for relevant RCMP witnesses. The RCMP is prepared to collect leave information and shift schedules for all RCMP members directly involved in the relevant police investigations between 1997 and 2002. We note that the original request was for days on duty for investigators rather than officers in supervisory roles. Doing so will require confirming the shift schedules for each member and compiling information from paper leave cards as leave time was not managed electronically during the Terms of Reference dates. As the majority of members are now retired we are advised that their leave information is housed in Ottawa. This information will have some limitations as it will not capture training dates, days in court, adjustment days and may not accurately reflect all sick time. We anticipate being in a position to produce this information for all RCMP investigators by early January. However, it appears that the Commission is content to confine this disclosure obligation to only those RCMP witnesses who will testify at the hearing.

We would appreciate Commission Counsel confirming the scope of this request as this will impact upon the speed with which we can fulfill this request.

Records of the Commission for Public Complaints against the RCMP

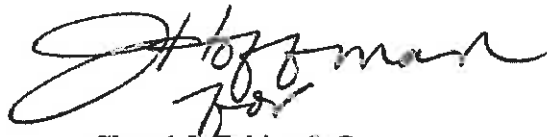
At item 23, on pages 6 and 7, the Commission indicates that they had requested records with respect to public complaints lodged about the conduct of members of the RCMP in relation to the missing women investigations. In the "disclosure column", it indicates that the "DOJ identified two complaints made against the RCMP in relation to the missing women investigation" and "Neither complaint is relevant to the terms of reference but were disclosed". We wish to clarify that in our letter dated October 21, 2011, a copy of which is attached for your reference, we did not in fact disclose the two complaint files. Rather, we set out the information and nature of the two complaints and asked the Commission to let us know whether it wished us to disclose the files. Such a request has not yet been made.

Records of Lynn Frey

We also wish to point out one omission in the Commission's disclosure chart. During her testimony, Lynn Frey indicated in her testimony during cross-examination on October 24, 2011, that she had notes related to her various visits to the Pickton farm. We have attached pages 105 and 106 of the transcript for your ease of reference. Further, at page 141 (also attached), Ms. Frey also testified that she had in her hotel room a newspaper article regarding a discussion with Suzanne Fouriner, which she also agreed to produce. Accordingly, we would like to request that these items be added to the Commission's chart and ask that these documents be produced.

Finally, we do not concede that any of the records referenced in your chart are in fact relevant in the sense that they warrant being ultimately marked as exhibits at the Inquiry. As such, we expressly reserve Canada's right to object to the introduction of any of the referenced documents into evidence on the basis of relevance or any other ground.

Yours truly,

A handwritten signature in black ink, appearing to read "Cheryl J. Tobias". The signature is fluid and cursive, with a large initial "C" and "T".

Cheryl J. Tobias Q.C.
Senior General Counsel
/sea
Enclosures



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December 9, 2011

BY E-MAIL

Missing Women Commission of Inquiry
1402 - 808 Nelson Street
Vancouver, British Columbia
V6Z 2H2

Attention: Art Vertlieb, Q.C., Senior Commission Counsel

Dear Sir:

**Re: Missing Women Commission of Inquiry
Disclosure of Professional Misconduct Documents**

This is to acknowledge receipt of the November 26, 2011 e-mail authored by your co-counsel Karey Brooks by which the Commission has directed two document disclosure requests at the RCMP, which we understand to be as follows:

- (1) Documents relating to any allegation of professional misconduct against any member of Project Evenhanded from its inception to February 5, 2002; and
- (2) Documents relating to Cpl. Catherine Galliford's allegations of systemic gender discrimination and workplace harassment.

With respect to the first request, please be advised that the RCMP is searching for responsive documents. We will communicate to you the results of this search as soon as it is completed.

With respect to the second request, please be advised that Cpl. Galliford's allegations are currently the subject of an internal investigation that is ongoing. We trust you will agree that the RCMP should be permitted to conduct and complete this investigation without having to immediately disclose investigative documents as they are created. We will, however, advise you when the investigation has been completed and can discuss the question of disclosure of the RCMP investigative file at that time.

Yours truly,

Cheryl J. Tobias, Q.C.
Senior General Counsel

CJT/sb

This is Exhibit "F" referred to in the
affidavit of Sarah Armstrong
sworn before me at Vancouver
this 13th day of February, 2012



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January 10, 2012

By Email

Missing Women Commission of Inquiry
1402 - 808 Nelson Street
Vancouver, British Columbia
V6Z 2H2

Attention: Art Vertlieb, Q.C., Senior Commission Counsel

Dear Sir:

Re: Missing Women Commission of Inquiry
Our File: 2-273772
Request for Disclosure of Professional Misconduct Files

Further to our letter of December 9, 2011, the RCMP has completed its search for file documents relating to any allegation of professional misconduct against any member of Project Evenhanded from its inception to February 5, 2002. You will recall that your co-counsel, Karey Brooks, made a request to this effect by e-mail dated November 26, 2011.

Please be advised that the RCMP has not located any files that would be responsive to this request, other than two that the Commission is already aware of: (1) Cpl. Catherine Galliford's harassment complaint; and (2) Scott Chubb's complaint to the Commission for Public Complaints Against the RCMP (CPC) regarding his interaction with the RCMP in relation to the information about illegal firearms that he provided to RCMP Cst. Nathan Wells which led to the initial February 5, 2002 search of the Pickton property.

With respect to Cpl. Galliford's complaint, it is still the subject of an internal investigation that is ongoing. As indicated in our letter of December 9th, we will advise you when the investigation has been completed and can discuss the question of disclosure of the RCMP investigative file at that time.

With respect to Mr. Chubb's complaint to the CPC, we advised you of its existence by letter dated October 21, 2011. On November 30, 2011, John Boddie sent a letter to all participants accompanied by a chart titled "Requests for Record Production". At item #23, titled "Records from the Commission of Public Complaints (CPC) of public complaints lodged about the conduct of members of the RCMP in relation to the missing women investigations", the following is indicated:

- "The Commission requested these records and the DOJ identified two complaints made against the RCMP in relation to the missing women investigation.

- Neither complaint is relevant to the terms of reference but were disclosed” [apparently by the CPC]

In other words, we understood the Commission’s November 30, 2011 correspondence to indicate that the Commission was not interested in obtaining disclosure of the Scott Chubb file. Should the Commission modify its position in this regard, please advise.

Yours truly,

A handwritten signature in cursive script, appearing to read "C. J. Tobias", with a long horizontal flourish extending to the right.

Cheryl J. Tobias, Q.C.
Senior General Counsel

CJT/sb



Public Safety, Defence and Immigration
BC Region
900 - 840 Howe Street
Vancouver, BC
V6Z 2S9

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Facsimile: (604) 666-1585

August 25, 2011

By Hand

Missing Women Commission of Inquiry
1402 - 808 Nelson Street
Vancouver, British Columbia
V6Z 2H2

This is Exhibit "9" referred to in the
affidavit of Sarah Armstrong
sworn before me at Vancouver
this 13th day of February, 2012

Dear Ms. Thompson:

Re: Missing Women Commission of Inquiry
Our File: 2-273772

In anticipation of Deputy Chief Evans' interview with Don Adam, which is scheduled for August 31, 2011, we enclose herewith one CD-ROM containing the following documents:

1. Will Say Statement (doc id: 8283)
2. Appendix A – Curriculum Vitae of Don Adam (doc id: 8284)
3. Appendix B – Four Phase Operational Plan for Project Evenhanded (doc id: 1115). This document was previously disclosed to the Commission as part of the Evenhanded Overview documents.
4. Appendix C – Four Phase Operational Plan for Project Evenhanded (doc id: 1116). This document was previously disclosed to the Commission as part of the Evenhanded Overview documents.
5. Appendix C – Vancouver Sun article authored by Don Adam dated November 27, 2010 (doc id: 8285).
6. Appendix D – Vancouver Sun article re Don Adam article dated November 28, 2010 (doc id: 8286).
7. Notebooks of Don Adam (doc ids: r_75, r_76, r_77, r_78, 1112, and r_1113)

Once again, these documents are disclosed subject to redactions/removal of information as set out in our vetting/disclosure protocol enclosed in our letter to you dated February 17, 2011.

We advise that while these documents are responsive to the Commission's request for documentary disclosure, we do not concede that they are in fact relevant in the sense that they warrant being ultimately marked as exhibits at the Inquiry. As such, we expressly reserve Canada's right to object to the introduction of any of the enclosed documents into evidence on the basis of relevance or any other ground.

Yours truly,

A handwritten signature in cursive script, appearing to read "C. J. Tobias", followed by a long horizontal flourish.

Cheryl J. Tobias Q.C.
Senior General Counsel
/ik

Enclosure



Public Safety, Defence and Immigration
BC Region
900 – 840 Howe Street
Vancouver, BC
V6Z 2S9

Telephone:
Facsimile:

August 17, 2011

By Hand

Missing Women Commission of Inquiry
1402 - 808 Nelson Street
Vancouver, British Columbia
V6Z 2H2

Dear Ms. Thompson:

Re: Missing Women Commission of Inquiry
Our File: 2-273772

In anticipation of Deputy Chief Evans' interviews with Gary Bass and Jim Brown, which are scheduled for August 18 and 19, 2011, we enclose herewith one CD-ROM containing the following documents:

Gary Bass:

1. Notebook excerpts (doc id: 731)

Jim Brown:

1. Curriculum vitae (doc id: 8177)
2. Will say statement (doc id: 8178)

Once again, these documents are disclosed subject to redactions/removal of information as set out in our vetting/disclosure protocol enclosed in our letter to you dated February 17, 2011.

We advise that while these documents are responsive to the Commission's request for documentary disclosure, we do not concede that they are in fact relevant in the sense that they warrant being ultimately marked as exhibits at the Inquiry. As such, we expressly reserve Canada's right to object to the introduction of any of the enclosed documents into evidence on the basis of relevance or any other ground.

Yours truly,

Cheryl J. Tobias, Q.C.
Senior General Counsel
/po
Enclosure

This is Exhibit "H" referred to in the
affidavit of Sarah Armstrong
sworn before me at Vancouver
this 13th day of February, 2012
